

Department of Homeland Security Daily Open Source Infrastructure Report for 1 October 2008



- The U.S. Nuclear Regulatory Commission reported that it is assuming regulatory authority over certain radioactive materials in five states, Guam, and some U.S. possessions, effective September 30, under provisions of the Energy Policy Act of 2005. (See item 7)
- According to the Washington Business Journal, an IT security vendor says it has spotted
 the widespread deployment of malware hidden inside campaign videos for the presidential
 candidates of both major political parties. (See item <u>26</u>)

DHS Daily Open Source Infrastructure Report Fast Jump

Production Industries: Energy; Chemical; Nuclear Reactors, Materials and Waste;

Defense Industrial Base; Dams

Service Industries: Banking and Finance; Transportation; Postal and Shipping;

Information Technology; Communications; Commercial Facilities

Sustenance and Health: Agriculture and Food; Water; Public Health and Healthcare

Federal and State: Government Facilities; Emergency Services; National Monuments and

Icons

Energy Sector

Current Electricity Sector Threat Alert Levels: <u>Physical:</u> ELEVATED,

Cyber: ELEVATED

Scale: LOW, GUARDED, ELEVATED, HIGH, SEVERE [Source: ISAC for the Electricity Sector (ES-ISAC) – [http://www.esisac.com]

1. September 29, Associated Press – (National) First U.S. CO2 auction brings in \$38.5 million. The owners of Northeastern fossil fuel-burning power plants, which are now required to buy credits to cover the carbon they emit, spent nearly \$40 million in the first cap-and-trade greenhouse gas auction in the United States. The Regional Greenhouse Gas Initiative (RGGI) is viewed as a possible model for a national program to reduce U.S. emissions of carbon dioxide. The 10-state RGGI consortium includes Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Six of the states participated in the first of a series of planned quarterly auctions. The next is scheduled for December 17. The \$38.5 million raised in Thursday's auction will be distributed to Connecticut, Maine, Maryland,

Massachusetts, Rhode Island, and Vermont. The states plan to invest the funds in renewable and energy-efficient technologies, as well as programs to benefit utility rate payers. All 12.5 million allowances were sold to 59 bidders representing a myriad of industries. Most of the allowances were purchased by electric power producers, according to RGGI. Carbon credits have traded in commodities markets, but this was the first government-mandated auction in the U.S.

Source: http://www.msnbc.msn.com/id/26945948/

2. September 29, Atlanta Business Chronicle – (National) Perdue urges Bush to tap reserves to help with gas shortages. The governor of Georgia has sent a letter to the U.S. president to ask him to order the U.S. Department of Energy (DOE) to release a significant amount of crude oil from the Strategic Petroleum Reserve to help ease the pain of fuel shortages in the Southeast. DOE has reported 57.4 percent of crude oil production capacity in the Gulf of Mexico is out. This is a slight improvement from Friday, when 59.3 percent of capacity was out. DOE has already released more than 4 million barrels of oil from the reserve.

Source: http://www.bizjournals.com/atlanta/stories/2008/09/29/daily18.html

3. September 29, KOSA 7 Odessa – (Texas) Task force helping to prevent oilfield thefts. A task force put in place by the Federal Bureau of Investigation (FBI) and several sheriff's offices is making a dent in oil field theft. While the Permian Basin Oilfield Theft Task Force cannot prevent very many thefts, modern equipment has helped them recover more than \$400,000 worth of items in the last two and a half months. The FBI assists with costs, like overtime, vehicles, fuel, and technology. Sheriff's deputies work the program in the rural areas where the thefts take place.

Source: http://www.cbs7kosa.com/news/details.asp?ID=8557

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Chemical Industry Sector

4. September 30, Los Angeles Times – (California) California launches broad effort to control hazardous chemicals. California on Monday launched the most comprehensive program of any state to regulate chemicals that have been linked to cancer, hormone disruption, and other deadly effects on human health. The new measures are designed to encompass 80,000 chemicals now in circulation, rather than focus narrowly, as previous bills have, on specific substances. State regulators are to inventory the most dangerous, widespread chemicals first and control them at the manufacturing stage, before they are handled in workplaces, incorporated into products, or allowed to escape into air and water. The program exempts existing chemicals and requires the Environmental Protection Agency to prove a chemical is toxic before requesting data from manufacturers. Automakers and electronics manufacturers lobbied heavily against the initiative, saying that they are complying with European standards that are far stricter than U.S. federal law. More than 164 million pounds of chemicals are sold each day in California in consumer and commercial products, a figure that does not include substances used in industrial processes. Until now, state laws have covered only the disposal of chemicals in consumer products, not their manufacture, sale or labeling.

Source: http://www.latimes.com/classified/jobs/career/la-me-chemistry30-2008sep30,0,1455747.story

5. September 29, Desert Sun – (California) Temecula business evacuated after chemical spill. A spill of 100 pounds of chlorine prompted the evacuation of a pool supply business in Temecula today and sickened three people, a fire official said. The spill at Oreq was reported at 12:43 p.m., according to the Riverside County fire information officer. Three employees who were overcome by chlorine fumes were treated at the scene and released. A hazardous materials team from the county handled the cleanup. Source:

http://www.mydesert.com/apps/pbcs.dll/article?AID=/20080929/NEWS08/80929037/-1/newsfront

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Nuclear Reactors, Materials, and Waste Sector

- 6. September 30, Reuters (Arizona) APS Ariz. Palo Verde 3 reactor to reconnect Tuesday. Arizona Public Service's (APS) Palo Verde 3 nuclear power unit in Arizona was expected to reconnect to the regional power grid later Tuesday and get to full power on Wednesday, said an APS spokeswoman. The unit was at 12 percent power early Tuesday as it began to exit a recent outage, the U.S. Nuclear Regulatory Commission (NRC) said in its power reactor status report. The unit was manually shut after a turbine trip on high vibration on September 27, a previous NRC report said.

 Source: http://www.reuters.com/article/marketsNews/idUSN3045485220080930
- 7. September 29, U.S. Nuclear Regulatory Commission (National) NRC assumes regulatory authority over certain radioactive materials in five states and U.S. territories. The U.S. Nuclear Regulatory Commission (NRC) is assuming regulatory authority over certain radioactive materials in five states, Guam, and some U.S. possessions, effective September 30, under provisions of the Energy Policy Act (EPAct) of 2005. The material in question consists of naturally occurring and accelerator-produced radioactive material (NARM), which had been under state authority until the EPAct included this material in the definition of "byproduct material" subject to the NRC's jurisdiction. The states affected by the current action are Vermont, West Virginia, Idaho, Missouri, and South Dakota. This current action is the second phase of waiver terminations.

Source: http://www.nrc.gov/reading-rm/doc-collections/news/2008/08-179.html

8. September 29, Brattleboro Reformer – (Vermont) NRC studies VY response to tower woes. An evaluation of Entergy Nuclear Vermont Yankee's response to recent problems with the power plant's two banks of cooling fans is ongoing, wrote the regional administrator for the U.S. Nuclear Regulatory Commission (NRC) in a September 26 letter to the commissioner of Vermont's Department of Public Service (DPS). Engineers at Vermont Yankee nuclear power plant have assured the NRC that the problems with the facility's cooling towers have not affected the operation of a cooling fan cell that is meant to withstand natural disasters such as earthquakes and

hurricanes. The NRC sent a special inspection team to review Vermont Yankee's conclusion and to evaluate whether the plant's operator responded adequately to a cooling cell collapse in 2007. Even though most of the cooling fan cells are not considered safety-related, wrote the NRC administrator, their untroubled operation is crucial to the power plant's reliability. On Friday, the administrator stated to the DPS commissioner that during the inspection to determine why the September 16 leak occurred, Entergy "identified degradation, such as cracks and bending, in six wooden support columns internal to the cooling tower. Entergy evaluated the degradation and replaced the columns, as necessary."

Source: http://www.reformer.com/ci_10587805

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Defense Industrial Base Sector

9. September 30, Strategy Page – (National) Unique aircraft wearing out. U.S. Air Force Special Operations Command (AFSOC) is getting some new, or at least rebuilt, aircraft. The current AFSOC fleet of 260 aircraft and helicopters is aging and the intense operations since September 11, 2001, has aged the fleet more quickly than anticipated. Source: http://www.strategypage.com/htmw/htsf/articles/20080930.aspx

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Banking and Finance Sector

- 10. September 30, Pittsburgh Tribune Review (Pennsylvania) Trial ordered for two area men in \$234M fraud case. A federal trial for two western Pennsylvania men accused of trying to defraud PNC Bank of more than \$200 million will proceed as scheduled next month. A grand jury indicted the two men in January on conspiracy charges. The case was unsealed in March after one of the men was arrested in California. The indictment states that the men submitted a credit application and personal financial statement to the bank indicating that one of the men owned \$197 million in real estate throughout New Mexico and Michigan. Other documents they provided the bank listed the property value at \$179 million, court records show. Source: http://www.pittsburghlive.com/x/pittsburghtrib/news/cityregion/s 590800.html
- 11. September 29, Associated Press (Washington) House to meet Thursday after rejecting bailout. The House of Representatives Monday defeated a \$700 billion emergency rescue for the nation's financial system, ignoring urgent warnings from the U.S. president and congressional leaders of both parties that the economy could nosedive without it. The Dow Jones industrials plunged 778 points, the most ever for a single day. Democratic and Republican leaders alike pledged to try again, though the Democrats said GOP lawmakers needed to provide more votes. The House was to reconvene on Thursday instead of adjourning for the year as planned.

Source: http://www.msnbc.msn.com/id/26884523/

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Transportation Sector

12. September 29, Associated Press – (Georgia) Gun groups appeal Ga. airport firearms ban. Gun-rights groups are appealing a federal judge's decision to dismiss a lawsuit that sought to allow licensed gun owners to carry firearms in parts of the world's busiest airport. A U.S. District Judge tossed the lawsuit out on Friday, ruling that GeorgiaCarry.org failed to prove that a new Georgia law would allow weapons into unsecured areas of Hartsfield-Jackson Atlanta International Airport.

Source: http://www.msnbc.msn.com/id/26945547/

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Postal and Shipping Sector

13. September 30, San Diego Union-Tribune – (California) Main post office plans emergency drill today. An emergency drill, complete with employee evacuations, is planned this afternoon at San Diego County's main post office, postal officials said. The U.S. Postal Service plans to tests its anthrax-detection systems, removal, and decontamination procedures.

Source: http://www.signonsandiego.com/news/metro/20080930-0704-1bo30podrill.html

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Agriculture and Food Sector

- 14. September 30, Merced Sun-Star (California) EPA fines Atwater Dole plant for self-reported violation. Dole Packaged Foods has been fined \$32,500 by the United States Environmental Protection Agency. The vice president of marketing and communication for Dole said the fine came after the business self-reported that some documentary forms had not been filed for 2004 and 2005. The reporting is done so that first responders such as firefighters know what types of chemicals are in use at the plant, he said. Because Dole self-reported, the penalty was reduced. The company has since filed the proper forms. A representative from Dole said that the plant tries to go above and beyond in reporting what types of chemicals are used in the plant.
- 15. September 27, Mercury News (California) Burlingame Company recalls candy product after harmful chemical detected. A Burlingame company is recalling a candy product after the California Department of Public Health warned consumers Friday of a harmful chemical compound detected in some candies. White Rabbit Candy, sold by the Burlingame-based Queensway Foods Company, is being recalled after testing detected the presence of melamine in some candies at levels up to 520 parts per million, according to the department of public health. The candy was produced by China, which has been associated with contaminated infant formula and other milk protein products containing melamine. No known illnesses are associated at this time with consumption of the candy.

Source: http://www.mercurynews.com/ci 10576410?source=most emailed

Source: http://www.mercedsunstar.com/167/story/476331.html

Water Sector

- 16. September 29, Las Vegas Sun (Nevada) Cleaners' chemical lingers in water, soil. A massive plume of pollution under acres of homes, roads, and a golf course in central Las Vegas is the worst of 28 sites in the valley contaminated by the same chemical. The gas-like mass of perchloroethylene, PCE, also known as tetrachloroethylene, or TCE, is emblematic of the intersection of older, less regulated Vegas with a world of science that discovers dangers in commonplace practices of years past. The "Maryland Square site" the name given to the golf course plume of the potential carcinogen by the Nevada Division of Environmental Protection is also the starting point from which to examine a list of PCE-contaminations pockmarking the Las Vegas Valley. The sites identified by the Nevada Environmental Protection Division include two at Nellis Air Force Base, three at casinos, and 19 at current or former dry cleaning businesses. Source: http://www.lasvegassun.com/news/2008/sep/29/cleaners-chemical-lingers-water-soil/
- 17. September 29, Muskegon Chronicle (Michigan) Sewage spill prompts no-contact advisory at Wolf Lake. A no-contact advisory was issued this morning for Wolf Lake, Michigan, after raw sewage leaked from a nearby transmission line. As a result of sewage seeping into the wetlands west of Wolf Lake, the health department issued the advisory to avoid contact with the lake, its West Bay area, and the surrounding wetlands until further notice. The notice added that drinking water in the area had not been affected and was safe for consumption.

Source: http://blog.mlive.com/chronicle/2008/09/sewage_spill_prompts_nocontact.html

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Public Health and Healthcare Sector

18. September 29, International Herald Tribune — (National) Violations reported at 94% of nursing homes. More than 90 percent of nursing homes were cited for violations of federal health and safety standards last year, and for-profit homes were more likely to have problems than other types of nursing homes, federal investigators said in a report issued on Monday. About 17 percent of nursing homes had deficiencies that caused "actual harm or immediate jeopardy" to patients, according to the report by the inspector general of the Department of Health and Human Services. Problems included infected bedsores, medication mix-ups, poor nutrition, and abuse and neglect of patients. Inspectors received 37,150 complaints about conditions in nursing homes last year, and they substantiated 39 percent of them, the report said. About one-fifth of the complaints verified by federal and state authorities involved the abuse or neglect of patients. About two-thirds of nursing homes are owned by for-profit companies, while 27 percent are owned by nonprofit organizations and six percent by government entities, the report said. The inspector general said 94 percent of for-profit nursing homes were cited for deficiencies last year, compared with 88 percent of nonprofit homes and 91 percent of

government homes.

Source: http://www.iht.com/articles/2008/09/29/america/30nursing.php

19. September 29, Washington Business Journal – (National) PharmAthene wins antiterrorism contract. PharmAthene Inc., a biodefense research company, has won a federal contract potentially worth \$83.9 million to combat anthrax. The National Institute of Allergy and Infectious Diseases, part of the National Institutes of Health, has awarded the Annapolis-based company a multi-year contract to develop and manufacture an anthrax vaccine. Specifically, the company is working on a treatment that could be stored, transported, and used without conventional cold temperatures and one that will require fewer doses for immunity to chemical and biological terrorism. Under the contract, the company would receive an initial \$13.2 million for clinical trials and testing of the vaccine. NIH also has the option to award another \$9.7 million during the contract's initial phase. The government could also pay for manufacturing and more advanced trials on the vaccine.

Source: http://www.bizjournals.com/washington/stories/2008/09/29/daily7.html

20. September 29, Dow Jones Newswire – (Washington) Walgreen's pays \$9.9 million to settle false billing charges. Drug-store chain Walgreen's has agreed to pay \$9.9 million to settle charges that it falsely billed the Medicaid program, the U.S. Department of Justice announced. At issue were Walgreen's Medicaid claims for prescription drugs given to people who were covered both by Medicaid and private insurance. Walgreen's allegedly charged four state Medicaid programs the difference between what the private insurance companies paid for the drugs and what the state Medicaid programs would have paid for the drugs if the patients had no other insurance. The Justice Department said the allegedly improper billing allowed Walgreen's to collect more money from the Medicaid programs than it was entitled to receive. A Walgreen's spokesman said the company's billing errors were inadvertent and due to unique billing requirements in four states and that the company had corrected its billing system to address the issue. The Justice Department said it brought its investigation based on the claims of two whistleblowers who worked as Walgreen's pharmacists.

Source:

http://news.morningstar.com/newsnet/ViewNews.aspx?article=/DJ/200809291306DOW JONESDJONLINE000568 univ.xml

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Government Facilities Sector

21. September 29, Joplin Globe – (Kansas) Cherokee County Courthouse cleared after bomb threat. It had been more than a year since the most recent bomb threat at the Cherokee County Courthouse, Kansas, and the county commissioner said he had hoped they had stopped. The commissioner said the county treasurer entered the commission meeting at 10:40 a.m. Monday to notify the commissioners that one of her employees had received a bomb threat over the phone. The treasurer triggered a "panic button" that notified authorities, and the courthouse was evacuated. The Cherokee County emergency management director said police told him that the caller said there were four

bombs in the courthouse. The courthouse square was closed to traffic. Two explosives-sniffing dogs from the Topeka office of the Kansas Highway Patrol, with their handlers, began a sweep of the building at 2 p.m. At 3 p.m. the dogs had found nothing, and the courthouse square was reopened to traffic. Monday's bomb threat was the fifth one at the courthouse since February 2005.

http://www.joplinglobe.com/neo_sek/local_story_273215926.html?keyword=secondary story

22. September 28, Associated Press – (Michigan) Details emerge in case of eco-terrorism arsons. A chance find in a Redford Township trash bin gave the FBI the big break it needed to solve a series of other arsons, including a million-dollar fire at a Michigan State University laboratory. Earlier this month, federal officials announced a Detroit woman affiliated with the Earth Liberation Front (ELF) and her ex-husband had admitted to setting the fires. A business owner was checking the trash bin for scrap cardboard in March of last year when he found gas masks, maps, an M-80 explosive, arson photos, and anti-government writings. The man whose financial records and e-mail were in the trash has admitted to 13 acts, including a New Year's Eve 1999 explosion and fire that caused more than \$1 million in damage at Michigan State University. He faces up to 20 years in prison when sentenced next month. The Detroit man also fingered his ex-wife. He recorded their phone conversations after agreeing to cooperate with the FBI, her attorney says. She pleaded guilty to the Michigan State arson and admitted working with her ex-husband in other incidents.

Source: http://www.mlive.com/news/annarbornews/index.ssf?/base/news-29/1222584053164690.xml&coll=2

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Emergency Services Sector

- 23. September 29, NewsDay (New York) Call for new cop crisis unit. The New York City Police Department (NYPD) must create a crisis intervention unit to respond to mentally disabled or disturbed people, a state senator said Monday on the Brooklyn block where an emotionally disturbed man died in police hands last week. He said if the NYPD does not create a crisis intervention team by year's end, he will introduce legislation in Albany that would force them to do so. He said law enforcement agencies in other parts of the country have adopted such rules, and the NYPD should do the same. Source: http://www.newsday.com/news/local/newyork/ny-vpamt295863409sep29,0,7287265.story
- 24. September 28, KRDO 13 Colorado Springs (Colorado) Shortage of deputies causes slow response. The Sheriff's department in El Paso County is short staffed and calls for help are going unanswered at an alarming rate, according to the county sheriff. He says on a given night, only 7 or 8 deputies have the task of covering the entire county. He says the problem could get worse. "We are planning for possible budget cuts, which means the citizens are going to feel more of a delay in our response."

 Source: http://www.krdo.com/Global/story.asp?S=9088538&nav=menu552_1

\$300,000 toward radios as part of new communications system. Rockland received nearly \$300,000 more toward the cost of a modernized radio-communications system for first responders. The federal money will pay for 94 radios for the Rockland Sheriff's Department. County officials have been working to rebuild the county's emergency services radio communications system for a decade. The more than \$30 million project won approval two years ago from the Rockland Legislature through a bond. With the current system, the county's hilly topography and non-uniform equipment prevents all emergency workers from being able to communicate directly with each other. In most cases, the fire departments cannot speak to the police without going through the county's dispatch center, 44 Control. And although the police can use their radios to speak to the ambulance crews, the fire departments cannot.

Source: http://lohud.com/apps/pbcs.dll/article?AID=/20080928/NEWS03/809280333/-1/newsfront

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Information Technology

26. September 30, Washington Business Journal – (National) Webroot identifies presidential campaign malware. Webroot, a U.S.-based IT security vendor, says it has spotted the widespread deployment of malware hidden inside campaign videos for the presidential candidates of both major political parties. The problem stems, the firm says, from widespread usage of the Gnutella file-sharing network to disseminate hiresolution campaign videos by the two candidates. According to Webroot, a quick search of the FrostWire network - which uses the Gnutella network format, apparently - indicated that of the 34 search results for "Obama Speech" 14 contained active malware while five of the 19 results for "McCain Speech" were found to be harboring malware. Source: http://security.itproportal.com/articles/2008/09/30/webroot-identifies-presidential-campaign-malware/

Internet Alert Dashboard

To report cyber infrastructure incidents or to request information, please contact US-CERT at soc@us-cert.gov or visit their Website: http://www.us-cert.gov.

Information on IT information sharing and analysis can be found at the IT ISAC (Information Sharing and Analysis Center) Website: https://www.it-isac.org/.

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Communications Sector

27. September 30, Ars Technica – (National) FCC wants to bless pending wireless mergers by year end. The Federal Communications Commission will try to resolve applications for two big wireless mergers by the end of this year, the agency's chair says. In a brief statement last week, he said that he hopes to address the proposed

Sprint/Clearwire and Verizon/Alltel transactions over the next three months. Baltimore Sprint Nextel and ClearWire announced their wedding in May: a joint WiMAX venture in which Sprint will own 51 percent and ClearWire 27 percent. The remaining stake will be bought by Google, Comcast, Time Warner Cable, Bright House, and Intel Capital for \$3.2 billion. The new company will be called ClearWire, with enough spectrum on hand to provide WiMAX service to 140 million people in the United States in 30 months, according to their filing. Meanwhile, Verizon announced its plan to takeover Alltel in June.

Source: http://arstechnica.com/news.ars/post/20080930-fcc-wants-to-bless-pending-wireless-mergers-by-year-end.html

28. September 29, CNET News – (International) Transpacific undersea cable completed. A crucial undersea fiber-optic cable that will provide more Internet capacity between the U.S. and China was completed Monday, according to news reports. Six of the world's largest phone companies have finished building an 18,000-kilometer "Trans-Pacific Express" cable that will link the U.S., China, South Korea, and Taiwan, according to the Dow Jones news service. The high-speed link will provide more capacity for the region, which is currently served by a single low-capacity cable that provides connectivity between mainland China and the U.S. Most web traffic between the U.S. and China goes through Hong Kong or Japan. These routes can often cause transmission delays. The project, which cost about \$500 million, was prompted when an earthquake off Taiwan's coast in December 2006 severed several undersea data cables, which resulted in disrupted communications throughout much of Asia. The world's largest phone companies decided that something had to be done to provide more infrastructure to the region.

Source: http://news.cnet.com/8301-1001_3-10053949-92.html

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Commercial Facilities Sector

29. September 29, Associated Press – (Delaware) Wal-Mart employee arrested for bomb threat. Milford Police say an Ellendale woman is charged with calling a bomb threat to the Wal-Mart where she works. Police say the woman called in the threat at the store last month, telling store employees there were two bombs inside the building. Police arrested her on Friday on felony charges of terroristic threatening and making a false statement to evacuate a public building. She posted bond and has been released. Source:

 $\underline{http://www.delmarvanow.com/apps/pbcs.dll/article?AID=/20080929/NEWS01/8092903} \underline{6/-1/DW}$

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National Monuments & Icons Sector

Nothing to report

Dams Sector

30. September 29, Sun-Sentinel – (Florida) Third round of water releases set for Lake Okeechobee. In Florida, another round of dumping Lake Okeechobee water out to sea continues today as the U.S. Army Corps of Engineers tries to ease the strain on the lake's dike. This will be the third round of releases since August, when Tropical Storm Fay and the rains that followed boosted the lake from historic lows to the upper end of the range set to protect the dike. The Army Corps tries to keep the lake between 12.5 feet and 15.5 feet to avoid erosion of the earthen dike.

Source: http://www.tcpalm.com/news/2008/sep/29/third-round-water-releases-set-lake-okeechobee/

31. September 29, KFDM 6 Beaumont – (Texas) Port Arthur levee needs repairs post Hurricane Ike. The levee system in Port Arthur, Texas, protected thousands of homes in the area during Hurricane Ike, but the levee was damaged in the storm surge. Now officials are rushing to complete the repairs. The assistant manager for Jefferson County Drainage District 7 said the levee was built in the 1970s to withstand a category three hurricane. The surge was at least a couple of feet below the 17 foot height although waves washed over all this debris. He said the county is in the process of removing the debris so it can then determine how badly the levee was damaged in the storm, "remove all the debris and repack all of this clay to establish a good firm base for this seawall. The issue right now is we have to make sure it is in good shape for the next storm and we have to do that immediately we can't wait for the next storm and hope it's okay." The repairs have to happen as soon as possible because after Hurricane Katrina the levee inspection rules changed, and currently the levee is not up to code.

Source: http://www.kfdm.com/news/levee 28070 article.html/wright storm.html

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